

107TH CONGRESS
2D SESSION

S. 2484

To amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2002

Mr. BAUCUS (for himself, Mr. JOHNSON, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “American Indian Welfare Reform Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Funding for tribal TANF programs.

- Sec. 4. Economic development.
- Sec. 5. Tribal job training programs.
- Sec. 6. Child care and development block grant funds for Indian tribes.
- Sec. 7. Equitable access.
- Sec. 8. Areas of Indian country or Alaskan Native villages of high joblessness.
- Sec. 9. Parity in treatment of Alaskan Natives.
- Sec. 10. Authority of Indian tribes to receive Federal funds for foster care and adoption assistance.
- Sec. 11. Authority for Indian tribes to determine eligibility for the food stamp, medicaid, and State children's health insurance programs.
- Sec. 12. Tribal child support enforcement programs.
- Sec. 13. Reservation of funds under the Social Services Block Grant.
- Sec. 14. Research on tribal welfare programs and poverty among Indians.
- Sec. 15. Faith-based initiative.
- Sec. 16. Effective date.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The Federal Government bears a unique
4 trust responsibility for American Indians.

5 (2) Despite this responsibility, Indians remain
6 remarkably impoverished. According to the Bureau
7 of the Census, 25.9 percent of American Indians live
8 in poverty, more than twice the national poverty
9 rate. The average household income for Indians in
10 2000 was only 75 percent of that of the rest of
11 Americans.

12 (3) In some States with substantial Indian pop-
13 ulations, the percentage of the welfare caseload that
14 is made up of Indians has increased because it has
15 been harder for Indians to leave welfare for work.

16 (4) A General Accounting Office review of data
17 from the Bureau of the Census found that 25 of the
18 26 counties in the United States with a majority of

1 American Indians had poverty rates “significantly”
 2 higher than average.

3 (5) Many Indian tribes are located in isolated
 4 rural areas, far from economic opportunity.

5 (6) Welfare reform has not brought enough
 6 change to Indian Country.

7 **SEC. 3. FUNDING FOR TRIBAL TANF PROGRAMS.**

8 (a) REAUTHORIZATION OF TRIBAL FAMILY ASSIST-
 9 ANCE GRANTS.—Section 412(a)(1)(A) of the Social Secu-
 10 rity Act (42 U.S.C. 612(a)(1)(A)) is amended by striking
 11 “1997” and all that follows through “2002” and inserting
 12 “2003 through 2007”.

13 (b) TRIBAL TANF IMPROVEMENT FUND.—

14 (1) IN GENERAL.—Section 412(a) of the Social
 15 Security Act (42 U.S.C. 612(a)) is amended by
 16 striking paragraph (2) and inserting the following:

17 “(2) TRIBAL TANF IMPROVEMENT GRANTS.—

18 “(A) TRIBAL CAPACITY GRANTS.—

19 “(i) IN GENERAL.—Of the amount ap-
 20 propriated under subparagraph (E) for the
 21 period of fiscal years 2003 through 2007,
 22 \$225,000,000 of such amount shall be
 23 used by the Secretary to award grants for
 24 tribal human services program infrastruc-

ture improvement (as defined in clause (v))
to—

“(I) Indian tribes that have applied for approval of a tribal family assistance plan and that meet the requirements of clause (ii)(I);

“(II) Indian tribes with an approved tribal family assistance plan and that meet the requirements of clause (ii)(II); and

“(III) Indian tribes that have elected to operate a foster care and adoption assistance program under section 479B and that meet the requirements of clause (ii)(III).

“(ii) PRIORITIES FOR AWARDING OF GRANTS.—The Secretary shall give priority in awarding grants under this subparagraph as follows:

“(I) First, for grants to Indian tribes that have applied for approval of a tribal family assistance plan, that have not operated such a plan as of the date of enactment of the American Indian Welfare Reform Act, that

1 will have such plan approved, and that
2 include in the plan submission provi-
3 sions for tribal human services pro-
4 gram infrastructure improvement (as
5 so defined) and related management
6 information systems training.

7 “(II) Second, for Indian tribes
8 with an approved tribal family assist-
9 ance plan that are not described in
10 subclause (I) and that submit an ad-
11 dendum to such plan that includes
12 provisions for tribal human services
13 program infrastructure improvement
14 that includes implementing or improv-
15 ing management information systems
16 of the tribe (including management
17 information systems training), as such
18 systems relate to the operation of the
19 tribal family assistance plan.

20 “(III) Third, for Indian tribes
21 that have elected to operate a foster
22 care and adoption assistance program
23 under section 479B and that include
24 in the plan submission under section
25 471 (or in an addendum to such plan)

provisions for tribal human services
program infrastructure improvement
(as so defined) and related manage-
ment information systems training.

“(iii) OTHER REQUIREMENTS FOR
AWARDING GRANTS.—In awarding grants
under this subparagraph, the Secretary—

“(I) may not award an Indian
tribe more than 1 grant under this
subparagraph per fiscal year;

“(II) shall award grants in such
a manner as to maximize the number
of Indian tribes that receive grants
under this subparagraph; and

“(III) shall consult with Indian
tribes located throughout the United
States.

“(iv) APPLICATION.—An Indian tribe
desiring a grant under this subparagraph
shall submit an application to the Sec-
retary, at such time, in such manner, and
containing such information as the Sec-
retary may require.

“(v) DEFINITION OF HUMAN SERV-
ICES PROGRAM INFRASTRUCTURE IM-

PROVEMENT.—In this subparagraph, the term ‘human services program infrastructure improvement’ includes (but is not limited to) improvement of management information systems, management information systems-related training, equipping offices, and renovating, but not constructing, buildings, as described in an application for a grant under this subparagraph, and subject to approval by the Secretary.

“(B) ADJUSTED TRIBAL TANF GRANTS.—

“(i) IN GENERAL.—Of the amount appropriated under subparagraph (E) for the period of fiscal years 2004 through 2007, \$140,000,000 of such amount shall be used by the Secretary to make supplemental grants for each of fiscal years 2004 through 2007 to each Indian tribe that—

“(I) has an approved tribal family assistance plan; and

“(II) demonstrates that the number of Indian families receiving cash assistance under the tribal family assistance plan as of the first quarter of the third year of the operation of such

1 plan has increased by at least 20 per-
2 cent over such number for the first
3 quarter of the first year of the oper-
4 ation of such plan.

5 “(ii) ALLOCATION OF FUNDS.—The
6 Secretary, in consultation with Indian
7 tribes with approved tribal family assist-
8 ance plans, shall determine a formula for
9 the allocation of \$35,000,000 of the funds
10 described in clause (i) for each fiscal year
11 described in that clause in a manner that
12 is proportionate to the size, service popu-
13 lation, and percentage increase in the num-
14 ber of Indian families served by each In-
15 dian tribe eligible for an adjusted grant
16 under this subparagraph for that fiscal
17 year.

18 “(C) INCENTIVE GRANTS TO STATES THAT
19 PROVIDE MAINTENANCE OF EFFORT SUPPORT
20 TO INDIAN TRIBES.—

21 “(i) IN GENERAL.—Subject to clause
22 (ii), of the amount appropriated under sub-
23 paragraph (E), \$30,000,000 of such
24 amount for each of fiscal years 2004
25 through 2007 shall be used by the Sec-

retary to pay a State an amount equal to 30 percent of the total amount of qualified State expenditures (as defined in section 409(a)(7)(B)(i)) incurred by the State for each such fiscal year for support of tribal family assistance plans.

“(ii) PRO RATA REDUCTIONS.—If the amount available for making payments under clause (i) for a fiscal year is less than the total amount of payments otherwise required to be made under clause (i) for the fiscal year, then the amount otherwise payable to any State for the fiscal year under clause (i) shall be reduced by a percentage equal to the amount available divided by the total amount of payments required for that fiscal year.

“(D) TECHNICAL ASSISTANCE.—

“(i) IN GENERAL.—Of the amount appropriated under subparagraph (E) for the period of fiscal years 2003 through 2007, \$15,000,000 shall be used by the Secretary to provide technical assistance to Indian tribes—

1 “(I) in applying for or carrying
2 out a grant made under this para-
3 graph;

4 “(II) in applying for or carrying
5 out a tribal family assistance plan
6 under this section; or

7 “(III) related to best practices
8 and approaches for State and tribal
9 coordination on the transfer of the ad-
10 ministration of social services pro-
11 grams to Indian tribes.

12 “(ii) RESERVATION OF FUNDS.—Not
13 less than—

14 “(I) \$5,000,000 of the amount
15 described in clause (i) shall be used by
16 the Secretary to support through
17 grants or contracts peer-learning pro-
18 grams among tribal administrators;
19 and

20 “(II) \$7,500,000 of such amount
21 shall be used by the Secretary for
22 making grants to Indian tribes to con-
23 duct feasibility studies of the capacity
24 of Indian tribes to operate tribal fam-
25 ily assistance plans under this part.

1 “(E) APPROPRIATION.—Out of any money
 2 in the Treasury of the United States not other-
 3 wise appropriated, there are appropriated
 4 \$500,000,000 for the period of fiscal years
 5 2003 through 2007 to carry out this paragraph.
 6 Amounts appropriated under this subparagraph
 7 shall remain available until expended.”.

8 (2) CONFORMING AMENDMENT.—Section
 9 405(a) of the Social Security Act (42 U.S.C. 605(a))
 10 is amended by striking “section 403” and inserting
 11 “sections 403 and 412(a)(2)(C)”.

12 (c) ELIGIBILITY FOR HIGH PERFORMANCE BONUS
 13 AND CONTINGENCY FUND.—

14 (1) BONUS TO REWARD HIGH PERFORMANCE.—

15 (A) REAUTHORIZATION OF BONUS.—Sec-
 16 tion 403(a)(4) of the Social Security Act (42
 17 U.S.C. 603(a)(4)) is amended—

18 (i) in subparagraph (E)(i), by striking
 19 “1999” and all that follows through
 20 “2003” and inserting “2004, 2005, 2006,
 21 2007, and 2008”; and

22 (ii) in subparagraph (F) by striking
 23 “1999 through 2003” and inserting “2004
 24 through 2008”.

(B) RESERVATION FOR DISTRIBUTION TO INDIAN TRIBES.—Section 403(a)(4) of the Social Security Act (42 U.S.C. 603(a)(4)) is amended—

(i) in subparagraph (A), by striking “The” and inserting “Subject to subparagraph (G), the”; and

(ii) by adding at the end the following:

“(G) RESERVATION OF FUNDS FOR DISTRIBUTION TO INDIAN TRIBES.—

“(i) IN GENERAL.—Of the amount available for grants under this paragraph for a bonus year, the Secretary shall reserve an amount equal to 3 percent of such amount to make grants pursuant to this subparagraph to each Indian tribe with an approved tribal family assistance plan that is a high performing Indian tribe for that bonus year.

“(ii) CRITERIA FOR DETERMINING TRIBAL PERFORMANCE.—

“(I) IN GENERAL.—Subject to subclause (II), the Secretary, in consultation with Indian tribes with ap-

1 proved tribal family assistance plans
 2 located throughout the United States,
 3 shall determine the criteria for deter-
 4 mining which such tribes are high
 5 performing Indian tribes with respect
 6 to a bonus year.

7 “(II) INCLUSION OF CERTAIN
 8 FACTORS.—Such criteria shall include
 9 factors related to the employment of
 10 recipients of assistance under a tribal
 11 family assistance plan and to moving
 12 such recipients to self-sufficiency.”.

13 (2) ELIGIBILITY FOR CONTINGENCY FUND.—

14 (A) REAUTHORIZATION OF CONTINGENCY
 15 FUND.—Section 403(b) of the Social Security
 16 Act (42 U.S.C. 603(b)), as amended by section
 17 617 of the Job Creation and Worker Assistance
 18 Act of 2002 (Public Law 107–147), is
 19 amended—

20 (i) in paragraph (2), by striking “fis-
 21 cal years 1997, 1998, 1999, 2000, 2001,
 22 and 2002” and inserting “the period of fis-
 23 cal years 2003 through 2007”; and

(ii) in paragraph (3)(C)(ii), by striking “1997 through 2002” and inserting “2003 through 2007”.

(B) RESERVATION OF FUNDS FOR TRIBAL PROGRAMS.—Section 403(b)(3) of the Social Security Act (42 U.S.C. 603(b)(3)) is amended by adding at the end the following:

“(D) PAYMENTS TO INDIAN TRIBES.—

“(i) IN GENERAL.—Of the total amount appropriated pursuant to paragraph (2), \$25,000,000 of such amount shall be reserved for making payments to Indian tribes with approved tribal family assistance plans that are operating in situations of increased economic hardship.

“(ii) DETERMINATION OF CRITERIA FOR TRIBAL ACCESS.—

“(I) IN GENERAL.—Subject to subclause (II), the Secretary, in consultation with Indian tribes with approved tribal family assistance plans, shall determine the criteria for access by Indian tribes to the amount reserved under clause (i).

1 “(II) INCLUSION OF CERTAIN
2 FACTORS.—Such criteria shall include
3 factors related to increases in unem-
4 ployment and loss of employers.

5 “(iii) APPLICATION OF REQUIRE-
6 MENTS FOR PAYMENTS TO STATES.—The
7 Secretary, in consultation with Indian
8 tribes with approved tribal family assist-
9 ance plans located throughout the United
10 States, shall determine the extent to which
11 requirements of States for payments from
12 the Fund shall apply to Indian tribes re-
13 ceiving payments under this subpara-
14 graph.”.

15 (3) CLARIFICATION OF AUTHORITY OF STATES
16 AND INDIAN TRIBES TO USE TANF FUNDS CARRIED
17 OVER FROM PRIOR YEARS TO PROVIDE TANF BENE-
18 FITS AND SERVICES.—Section 404(e) of the Social
19 Security Act (42 U.S.C. 604(e)) is amended—

20 (A) in the subsection heading, by striking
21 “ASSISTANCE” and inserting “BENEFITS OR
22 SERVICES”; and

23 (B) by striking “assistance” and inserting
24 “any benefit or service that may be provided”.

1 **SEC. 4. ECONOMIC DEVELOPMENT.**

2 (a) TEMPORARY EXPANSION OF AUTHORITY FOR IN-
 3 DIAN TRIBES TO ISSUE TAX-EXEMPT PRIVATE ACTIVITY
 4 BONDS.—

5 (1) IN GENERAL.—Section 7871(c) of the Inter-
 6 nal Revenue Code of 1986 (relating to additional re-
 7 quirements for tax-exempt bonds) is amended by
 8 adding at the end the following new paragraph:

9 “(4) EXCEPTION FOR QUALIFIED INDIAN PRI-
 10 VATE ACTIVITY BONDS.—

11 “(A) IN GENERAL.—In the case of any
 12 qualified Indian private activity bond—

13 “(i) paragraph (2) shall not apply,

14 “(ii) such bond shall be treated as a
 15 qualified bond under section 141(e), and

16 “(iii) section 146 shall not apply.

17 “(B) QUALIFIED INDIAN PRIVATE ACTIV-
 18 ITY BOND.—For purposes of this paragraph,
 19 the term ‘qualified Indian private activity bond’
 20 means any bond which—

21 “(i) is issued by a qualified Indian
 22 tribal government—

23 “(I) as part of an issue 95 per-
 24 cent or more of the net proceeds of
 25 which are to be used to provide quali-
 26 fied residential rental projects (as de-

1 fined in section 142(d), except that
2 for purposes of such section, statewide
3 median gross income shall be used to
4 determine tenant income),

5 “(II) as part of a qualified mort-
6 gage issue (as defined in section
7 143(a)(2)),

8 “(III) as part of an issue 95 per-
9 cent or more of the net proceeds of
10 which are to be used to provide any
11 facility described in section
12 1394(b)(1) for any business that
13 would qualify as an enterprise zone
14 business if the Indian reservation (as
15 defined in section 168(j)(6)) over
16 which the qualified Indian tribal gov-
17 ernment exercises general govern-
18 mental authority were treated as an
19 empowerment zone, or

20 “(IV) as part of an issue to be
21 used for more than 1 of the purposes
22 described in the preceding subclauses,
23 and

24 “(ii) meets the requirements of sub-
25 paragraphs (D) and (E).

1 “(C) QUALIFIED INDIAN TRIBAL GOVERN-
2 MENT.—For purposes of this paragraph, the
3 term ‘qualified Indian tribal government’ means
4 an Indian tribal government which exercises
5 general governmental authority over an Indian
6 reservation (as so defined) with a joblessness
7 rate among members of the tribe of at least 20
8 percent for the most recent calendar year pre-
9 ceding the issuance of a bond under this section
10 (as determined under the report for such year
11 published by the Bureau of Indian Affairs
12 under section 17(a) of the Indian Employment,
13 Training and Related Services Demonstration
14 Act of 1992 (25 U.S.C. 3416(a))).

15 “(D) DESIGNATION REQUIREMENTS.—A
16 bond meets the requirements of this subpara-
17 graph if it is issued as part of an issue des-
18 ignated as a qualified Indian private activity
19 bond for a purpose described in subclause (I),
20 (II), or (III) of subparagraph (B)(i) by the
21 qualified Indian tribal government.

22 “(E) VOLUME REQUIREMENTS.—A bond
23 issued as part of an issue meets the require-
24 ments of this subparagraph if such bond is
25 issued after December 31, 2002, and before

1 January 1, 2008, and the aggregate face
2 amount of the bonds issued pursuant to such
3 issue, when added to the aggregate face amount
4 of qualified Indian private activity bonds pre-
5 viously issued by such qualified Indian tribal
6 government, does not exceed \$10,000,000 (ex-
7 cluding bonds issued under paragraph (3)).

8 “(F) APPLICATION OF SECTION 42 TO RES-
9 IDENTIAL RENTAL PROJECTS FINANCED BY
10 BONDS UNDER THIS PARAGRAPH.—In the case
11 of bonds described in subparagraph (B)(i)(I),
12 issuance under the requirements of subpara-
13 graph (E) shall be treated as issuance under
14 the requirements of section 146 for purposes of
15 determining the application of section 42 to
16 projects financed by the net proceeds of such
17 bonds.

18 “(G) SPECIAL RULE FOR DETERMINING
19 ENTERPRISE ZONE BUSINESS.—For purposes of
20 subparagraph (B)(i)(III), an enterprise zone
21 business shall not include any facility a prin-
22 cipal business of which is the sale of tobacco
23 products or highway motor fuels.

24 “(H) BOND INTEREST NOT AN AMT PREF-
25 ERENCE ITEM.—For purposes of section

1 57(a)(5), a bond designated under subpara-
 2 graph (D) as a qualified Indian private activity
 3 bond shall not be treated as a specified private
 4 activity bond.

5 “(I) REPORT.—The Secretary shall com-
 6 pile necessary data from reports relating to the
 7 issuance of bonds under this paragraph and
 8 shall report to Congress not later than Sep-
 9 tember 30 of any year following the calendar
 10 year in which Indian tribal governments issued
 11 bonds under this paragraph and the activities
 12 for which such bonds were issued.”.

13 (2) CONFORMING AMENDMENTS.—

14 (A) Section 7871(c)(2) of the Internal
 15 Revenue Code of 1986 is amended by striking
 16 “paragraph (3)” and inserting “paragraphs (3)
 17 and (4)”.

18 (B) Section 7871 of such Code is
 19 amended—

20 (i) by striking clause (iii) of sub-
 21 section (c)(3)(E), and

22 (ii) by adding at the end the following
 23 new subsection:

1 “(f) NET PROCEEDS.—For purposes of this section,
 2 the term ‘net proceeds’ has the meaning given such term
 3 by section 150(a)(3).”.

4 (3) EFFECTIVE DATE.—The amendments made
 5 by this subsection shall apply to bonds issued after
 6 December 31, 2002.

7 (b) TRIBAL DEVELOPMENT GRANTS.—

8 (1) AUTHORITY TO AWARD GRANTS.—

9 (A) IN GENERAL.—The Secretary of
 10 Health and Human Services (in this subsection
 11 referred to as the “Secretary”), through the
 12 Commissioner of the Administration for Native
 13 Americans, shall award grants to nonprofit or-
 14 ganizations, Indian tribes, and tribal organiza-
 15 tions (as defined in section 4 of the Indian Self-
 16 Determination and Education Assistance Act
 17 (25 U.S.C. 450b)) to enable such organizations
 18 and tribes to provide technical assistance to In-
 19 dian tribes and tribal organizations in any or
 20 all of the following areas:

- 21 (i) The development and improvement
- 22 of uniform commercial codes.
- 23 (ii) The creation or expansion of small
- 24 business or micro-enterprise programs.

1 (iii) The development and improve-
2 ment of tort liability codes.

3 (iv) The creation or expansion of trib-
4 al marketing efforts.

5 (v) The creation or expansion of for-
6 profit collaborative business networks.

7 (vi) The development of innovative
8 uses of telecommunications to assist with
9 distance learning or telecommuting.

10 (B) REQUIREMENTS.—In awarding grants
11 under this subsection the Secretary shall con-
12 sult with other Federal agencies with expertise
13 in the areas described in subparagraph (A).

14 (C) APPLICATION.—A nonprofit organiza-
15 tion, Indian tribe, or tribal organization desir-
16 ing a grant under this subsection shall submit
17 an application to the Secretary at such time, in
18 such manner, and containing such information
19 as the Secretary may require.

20 (2) APPROPRIATION.—Out of any money in the
21 Treasury of the United States not otherwise appro-
22 priated, there are appropriated \$50,000,000 for the
23 period of fiscal years 2003 through 2007 to make
24 the grants authorized under this subsection.

1 (c) JOB ACCESS AND REVERSE COMMUTE
2 GRANTS.—Section 3037 of the Transportation Equity Act
3 for the 21st Century (49 U.S.C. 5309 note) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (4)—

6 (i) in subparagraph (A), by striking
7 “and” at the end;

8 (ii) in subparagraph (B), by striking
9 the period and inserting “; and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(C) an Indian tribe or a tribal organiza-
13 tion (as defined in section 4 of the Indian Self-
14 Determination and Education Assistance Act
15 (25 U.S.C. 450b)).”; and

16 (B) in paragraph (5), by inserting “or trib-
17 al” after “State”;

18 (2) in subsection (c), by adding at the end the
19 following:

20 “(3) GRANTS TO INDIAN TRIBES AND TRIBAL
21 ORGANIZATIONS.—The Secretary—

22 “(A) may modify the requirements applica-
23 ble to grants made under this section in the
24 case of a grant made to a qualified entity de-
25 scribed in subsection (b)(4)(C); and

1 “(B) shall, with respect to the nongovern-
 2 mental share of the total cost of an eligible
 3 project, permit such share to be derived from
 4 Federal funds (other than funds provided under
 5 this section) or in-kind resources, fairly valued,
 6 including facilities, equipment, or services.”;

7 (3) in subsection (f), by striking “In awarding”
 8 and inserting “Subject to subsection (c)(3), in
 9 awarding”; and

10 (4) in subsection (l)—

11 (A) in the matter preceding subparagraph
 12 (A) of paragraph (3), by inserting “(after the
 13 application of paragraph (4))” after “fiscal
 14 year”; and

15 (B) by adding at the end the following:

16 “(4) SET-ASIDE FOR GRANTS TO INDIAN
 17 TRIBES AND TRIBAL ORGANIZATIONS.—Of the
 18 amounts made available by or appropriated under
 19 paragraph (1) to carry out this section for a fiscal
 20 year, not less than 3 percent of such amounts shall
 21 be used to make grants to qualified entities de-
 22 scribed in subsection (b)(4)(C).”.

23 **SEC. 5. TRIBAL JOB TRAINING PROGRAMS.**

24 (a) **TRIBAL EMPLOYMENT SERVICES PROGRAMS.—**

(1) IN GENERAL.—Section 412(a) of the Social Security Act (42 U.S.C. 612(a)), as amended by section 3, is amended by adding at the end the following:

“(4) GRANTS FOR TRIBAL EMPLOYMENT SERVICES PROGRAMS.—

“(A) PURPOSE.—The purpose of this paragraph is to support comprehensive services to enable Indian and Alaska Native individuals to support themselves through employment without requiring cash benefits from public assistance programs for themselves or their families.

“(B) STATEMENT OF POLICY.—The programs funded under grants made under this paragraph shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

“(C) DEFINITIONS.—In this paragraph:

“(i) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native organization’ means an Indian tribe or tribal orga-

nization in Alaska or an Alaska Native-controlled entity serving Alaska Natives at the Regional level (as Regions are defined for purposes of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

“(ii) DEPARTMENT.—Unless otherwise specified, the term ‘Department’ means the Department of Labor.

“(iii) ELIGIBLE BENEFICIARY.— The term ‘eligible beneficiary’ means—

“(I) an individual who is an Indian or Alaska Native receiving or eligible to receive cash benefits for the individual or the individual’s family under the State program funded under this part, a tribal family assistance program under this section, or the General Assistance program;

“(II) an individual who is an Indian or Alaska Native transitioning from receipt of cash benefits under any such programs to employment;

“(III) an individual who is an Indian or Alaska Native with a history of long term dependence (as defined

1 in clause (vi)) on cash benefits under
2 any such programs or under the aid
3 for families with dependent children
4 program under this part (as in effect
5 before August 22, 1996);

6 “(IV) an individual who is an In-
7 dian or Alaska Native who is a non-
8 custodial parent of a minor child re-
9 ceiving, eligible to receive, or with a
10 history of receiving cash benefits
11 under any such programs, or an indi-
12 vidual who has an obligation to pro-
13 vide support for such children; or

14 “(V) an individual who is an In-
15 dian or Alaska Native and is a mem-
16 ber of a family who is at risk of be-
17 coming dependent on cash benefits
18 under any such programs or who has
19 exhausted eligibility for such benefits
20 because of the application of time lim-
21 its on benefits.

22 “(iv) GENERAL ASSISTANCE.—The
23 term ‘General Assistance’ means the Gen-
24 eral Assistance program supported through

the Bureau of Indian Affairs in the Department of the Interior.

“(v) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(vi) LONG TERM DEPENDENCE.—The term ‘long term dependence’ means receipt of cash benefits under a program referred to in clause (ii)(III) for at least 24 months, which need not be consecutive.

“(vii) SECRETARY.—Unless otherwise specified, the term ‘Secretary’ means the Secretary of Labor.

“(D) AUTHORITY TO MAKE GRANTS.—

“(i) DIRECT SERVICES.—The Secretary shall make grants to Indian tribes, tribal organizations, and Alaska Native organizations on the basis of a formula determined in accordance with subparagraph (H)(ii) to carry out the activities described in subparagraph (E).

1 “(ii) PROGRAM SUPPORT.—The Sec-
 2 retary shall, through grants or contracts
 3 with entities, or interagency agreements,
 4 carry out the activities described in sub-
 5 paragraph (F).

6 “(iii) APPROPRIATION.—

7 “(I) IN GENERAL.—Out of any
 8 money in the Treasury of the United
 9 States not otherwise appropriated,
 10 there are appropriated \$37,000,000
 11 for each of fiscal years 2003 through
 12 2007 to carry out this paragraph.

13 “(II) RESERVATION OF FUNDS
 14 FOR PROGRAM SUPPORT.—The Sec-
 15 retary may reserve an amount equal
 16 to not more than 1.5 percent of the
 17 amount appropriated under subclause
 18 (I) for a fiscal year to make grants or
 19 enter into contracts under clause (ii).

20 “(E) DIRECT SERVICE ACTIVITIES.—

21 “(i) IN GENERAL.—A recipient of a
 22 grant made under subparagraph (D)(i)
 23 shall use the funds provided under the
 24 grant to provide any services which may be
 25 useful in preparing eligible beneficiaries to

1 enter or reenter the workforce, to retain
 2 employment or to advance to positions
 3 which may enable the eligible beneficiary
 4 and the beneficiary's family to become eco-
 5 nomically self-sufficient.

6 “(ii) SERVICES PERMITTED.—Services
 7 provided with funds made available under
 8 a grant made under subparagraph (D)(i)
 9 may include—

10 “(I) assessment;

11 “(II) education;

12 “(III) job readiness and place-
 13 ment;

14 “(IV) occupational training (in-
 15 cluding on-the-job training);

16 “(V) work experience;

17 “(VI) wage subsidies;

18 “(VII) job retention;

19 “(VIII) job creation specifically
 20 for eligible beneficiaries;

21 “(IX) case management;

22 “(X) counseling;

23 “(XI) supportive services, includ-
 24 ing (but not limited to) child care,
 25 transportation, mental health and

1 substance abuse treatment and pre-
2 vention services important to employ-
3 ability; and

4 “(XII) counseling and other serv-
5 ices to promote marriage, discourage
6 teen pregnancies, assist in the forma-
7 tion and stabilization of 2-parent fam-
8 ilies, and address situations involving
9 domestic violence.

10 “(iii) RETENTION OF ELIGIBILITY
11 FOR OTHER SERVICES.—An eligible bene-
12 ficiary who receives services through funds
13 provided under a grant made under sub-
14 paragraph (D)(i) shall not be precluded
15 from receiving other services from any
16 State, local or tribal government agency or
17 any other entity.

18 “(iv) DISREGARD.—Income or services
19 received by an eligible beneficiary under
20 this paragraph shall be disregarded for
21 purposes of determining eligibility for ben-
22 efits under any means-tested program for
23 which the eligibility requirements are es-
24 tablished under Federal law.

25 “(F) PROGRAM SUPPORT ACTIVITIES.—

1 “(i) IN GENERAL.—In order to im-
2 prove the effectiveness of services provided
3 by Indian tribes, tribal organizations, and
4 Alaska Native organizations under grants
5 made under this paragraph, the Secretary
6 shall, through grants, contracts, or inter-
7 agency agreements, support activities
8 that—

9 “(I) enhance the capacity of In-
10 dian tribes, tribal organizations, and
11 Alaska Native organizations under
12 this section to deliver the services au-
13 thorized under subparagraph (D); and

14 “(II) test or demonstrate new or
15 improved methods of providing such
16 services.

17 “(ii) PREFERENCE.—In awarding
18 grants or contracts under subparagraph
19 (D)(ii) to carry out this subparagraph, the
20 Secretary shall implement a preference pol-
21 icy consistent with the terms of section
22 7(b) of the Indian Self-Determination and
23 Education Assistance Act (25 U.S.C.
24 450e(b)).

25 “(G) ADDITIONAL REQUIREMENTS.—

1 “(i) DIRECT SERVICE ACTIVITIES.—

2 “(I) AUTHORITY TO CONSOLI-
3 DATE FUNDS.—An Indian tribe, tribal
4 organization, or Alaska Native organi-
5 zation receiving a grant under sub-
6 paragraph (D)(i) may consolidate
7 funds received under the grant with
8 assistance received from other pro-
9 grams in accordance with the provi-
10 sions of the Indian Employment,
11 Training and Related Services Dem-
12 onstration Act of 1992 (25 U.S.C.
13 3401 et seq.) or the provisions of the
14 Tribal Self-Governance Act of 1994
15 (25 U.S.C. 458aa et seq.).

16 “(II) OPTION TO EXCLUDE PAR-
17 TICIPANTS FROM DETERMINATION OF
18 WORK PARTICIPATION RATES.—A
19 State, Indian tribe, or tribal organiza-
20 tion may exclude individuals partici-
21 pating in a direct services program
22 funded under a grant made under
23 subparagraph (D)(i) for a month from
24 the calculation of the work participa-

tion rate for the State or tribe for such month.

“(ii) APPLICABLE RULES.—Any amount paid to an Indian tribe or tribal organization under this part that is used to carry out the activities described in subparagraph (E) or (F) shall not be subject to the requirements of this part, but shall be subject to the requirements specified in the regulations required under subparagraph (H)(iii), and the expenditure of any amount so used shall not be considered to be an expenditure under this part.

“(iii) AVAILABILITY OF FUNDS.—Funds provided to a recipient of a grant or contract under subparagraph (D)(ii) shall remain available for obligation for 2 succeeding fiscal years after the fiscal year in which the grant is made or the contract is entered into.

“(H) PROGRAM ADMINISTRATION.—

“(i) DESIGNATION OF OFFICE WITH PRIMARY RESPONSIBILITY.—The Secretary shall designate a single organizational unit within the Department that shall have as

1 its primary responsibility the administra-
2 tion of the activities authorized under this
3 paragraph and of any related Indian pro-
4 grams administered by the Department.

5 “(ii) CONSULTATION.—

6 “(I) IN GENERAL.—The Sec-
7 retary shall consult with Indian tribes
8 and tribal organizations located
9 throughout the United States and
10 Alaska Native organizations on all as-
11 pects of the operation and administra-
12 tion of the activities authorized under
13 this paragraph, including the promul-
14 gation of regulations, the design of a
15 formula for the allocation of funds
16 among Indian tribes, tribal organiza-
17 tions, and Alaska Native organiza-
18 tions, and the implementation of pro-
19 gram support activities described in
20 subparagraph (F).

21 “(II) ADVISORY COMMITTEE.—

22 The Secretary may utilize a broadly-
23 based advisory committee whose mem-
24 bers are nominated by Indian tribes,
25 tribal organizations, and Alaska Na-

1 tive organizations as part of the con-
 2 sultation required under subclause (I),
 3 except that the consultation process
 4 shall not be limited to discussions
 5 with such committee.

6 “(iii) REGULATIONS.—The Secretary
 7 may issue regulations for the conduct of
 8 activities under this paragraph. All re-
 9 quirements imposed by such regulations,
 10 including reporting requirements, shall
 11 take into full consideration tribal cir-
 12 cumstances and conditions.”.

13 (2) TRANSITION FROM OTHER TANF INDIAN
 14 EMPLOYMENT PROGRAMS.—

15 (A) IN GENERAL.—Subject to subpara-
 16 graph (B), the Secretary of Health and Human
 17 Services shall provide for an orderly close-out of
 18 activities under the work program authorized in
 19 section 412(a)(2) of the Social Security Act (42
 20 U.S.C. 612(a)(2)) (commonly referred to as
 21 “the Native Employment Works program” or
 22 the “NEW” program) as such section is in ef-
 23 fect on September 30, 2002.

24 (B) REQUIREMENT.—In closing out the ac-
 25 tivities referred to in subparagraph (A), the

1 Secretary of Health and Human Services shall
 2 provide that grantees under a program referred
 3 to in that subparagraph shall be permitted to
 4 provide services through June 30, 2003, and
 5 shall be permitted to spend funds on adminis-
 6 trative activities related to the close-out of
 7 grants under programs for up to 6 months
 8 after that date.

9 (b) APPLICATION OF INDIAN EMPLOYMENT, TRAIN-
 10 ING, AND RELATED SERVICES DEMONSTRATION ACT OF
 11 1992.—Section 412(a)(4) of the Social Security Act (42
 12 U.S.C. 612(a)), as added by subsection (a), is amended
 13 by adding at the end the following:

14 “(I) APPLICATION OF INDIAN EMPLOY-
 15 MENT, TRAINING, AND RELATED SERVICES
 16 DEMONSTRATION ACT OF 1992.—Notwith-
 17 standing any other provision of law, if an In-
 18 dian tribe elects to incorporate the services it
 19 provides under this paragraph into a plan under
 20 section 6 of the Indian Employment, Training,
 21 and Related Services Demonstration Act of
 22 1992 (25 U.S.C. 3405), the programs author-
 23 ized to be conducted with grants made under
 24 this paragraph shall be—

1 “(i) considered to be programs subject
 2 to section 5 of the Indian Employment,
 3 Training, and Related Services Demonstra-
 4 tion Act of 1992 (25 U.S.C. 3404); and

5 “(ii) subject to the single plan and
 6 single budget requirements of section 6 of
 7 that Act (25 U.S.C. 3405) and the single
 8 report format required under section 11 of
 9 that Act (25 U.S.C. 3410).”.

10 **SEC. 6. CHILD CARE AND DEVELOPMENT BLOCK GRANT**
 11 **FUNDS FOR INDIAN TRIBES.**

12 (a) INCREASE IN RESERVATION.—Section
 13 658O(a)(2) of the Child Care and Development Block
 14 Grant Act of 1990 (42 U.S.C. 9858m(a)(2)) is amended
 15 by striking “1 percent, and not more than 2 percent,” and
 16 inserting “5 percent”.

17 (b) PAYMENTS FOR THE BENEFIT OF INDIAN CHIL-
 18 DREN.—

19 (1) HEALTH AND SAFETY STANDARDS.—Sec-
 20 tion 658O(c)(2) of the Child Care and Development
 21 Block Grant Act of 1990 (42 U.S.C. 9858m(c)(2))
 22 is amended by adding at the end the following:

23 “(D) HEALTH AND SAFETY STANDARDS.—
 24 The applicant will establish requirements de-

1 signed to protect the health and safety of chil-
 2 dren, which shall—

3 “(i) be stated in the application; and

4 “(ii) notwithstanding any other provi-
 5 sion of law, including subparagraphs (F)
 6 and (G) of section 658E(c)(2), be the
 7 health and safety requirements applicable
 8 to child care providers that receive funds
 9 from the applicant to provide services
 10 under this subchapter.”.

11 (2) NEGOTIATED RULEMAKING.—Section
 12 658O(c) of the Child Care and Development Block
 13 Grant Act of 1990 (42 U.S.C. 9858m(c)) is
 14 amended—

15 (A) by redesignating paragraphs (4), (5),
 16 and (6) as paragraphs (5), (6), and (7), respec-
 17 tively; and

18 (B) by inserting after paragraph (3) the
 19 following:

20 “(4) NEGOTIATED RULEMAKING.—In deter-
 21 mining the amounts of the awards made to Indian
 22 tribes and tribal organizations under this subsection,
 23 the Secretary shall conduct a negotiated rulemaking.
 24 The Secretary shall include in the negotiated rule-
 25 making committee representatives of the Indian

1 tribes and tribal organizations that the Secretary de-
 2 termines to be eligible to receive grants or contracts
 3 under this subsection. The Secretary shall conduct
 4 the negotiated rulemaking in accordance with sub-
 5 chapter III of chapter 5 of title 5, United States
 6 Code, as in effect on November 28, 1996.”.

7 (3) CONSTRUCTION OR RENOVATION.—Para-
 8 graph (7)(C) of section 6580(c) of the Child Care
 9 and Development Block Grant Act of 1990 (as re-
 10 designated in paragraph (2)(A)) is amended—

11 (A) by striking “The” and inserting the
 12 following:

13 “(i) IN GENERAL.—Except as pro-
 14 vided in clause (ii), the”; and

15 (B) by adding at the end the following:

16 “(ii) TEMPORARY DECREASE.—The
 17 Secretary may permit an Indian tribe or
 18 tribal organization to use amounts pro-
 19 vided under this subsection for construc-
 20 tion or renovation even if such use will re-
 21 sult in a temporary decrease described in
 22 clause (i), if—

23 “(I) the Secretary determines
 24 that the construction or renovation
 25 will enable the tribe or organization to

1 increase, in fiscal years subsequent to
 2 the year for which the determination
 3 under subparagraph (B) is made, the
 4 level of child care services provided by
 5 the tribe or organization as compared
 6 to the level of such services provided
 7 by the tribe or organization in the fis-
 8 cal year for which the determination
 9 is made; and

10 “(II) the tribe or organization
 11 submits to the Secretary, and obtains
 12 approval of, a multi-year plan for the
 13 construction or renovation.”.

14 (c) CONFORMING AMENDMENT.—Section 658F(b)(1)
 15 of the Child Care and Development Block Grant Act of
 16 1990 (42 U.S.C. 9858d(b)(1)) is amended by striking
 17 “658O(c)(6)” and inserting “658O(c)(7)”.

18 **SEC. 7. EQUITABLE ACCESS.**

19 (a) ENSURING EQUITABLE ACCESS.—

20 (1) STATE PLAN REQUIREMENT.—Section
 21 402(a)(1)(B) of the Social Security Act (42 U.S.C.
 22 602(a)(1)(B)) is amended by adding at the end the
 23 following:

24 “(v) The document shall describe how
 25 the State will ensure equitable access to

1 benefits and services provided under the
 2 program for each member of an Indian
 3 tribe or tribal organization, who is domi-
 4 ciled in the State and is not eligible for as-
 5 sistance under a tribal family assistance
 6 plan approved under section 412.”.

7 (2) TRIBAL FAMILY ASSISTANCE PLAN RE-
 8 QUIREMENT.—Section 412(b)(1) of the Social Secu-
 9 rity Act (42 U.S.C. 612(b)(1)) is amended—

10 (A) in subparagraph (E), by striking
 11 “and” at the end;

12 (B) in subparagraph (F), by striking the
 13 period and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(G) describes how the Indian tribe will
 16 ensure equitable access to benefits and services
 17 provided under the plan for each member of the
 18 population to be served by the plan.”.

19 (3) ANNUAL REPORT TO CONGRESS.—

20 (A) INCLUSION OF INFORMATION ON INDI-
 21 ANS SERVED BY STATE PROGRAMS.—Section
 22 411(b) of the Social Security Act (42 U.S.C.
 23 611(b)) is amended—

24 (i) in paragraph (3), by striking
 25 “and” at the end;

1 (ii) in paragraph (4), by striking the
2 period and inserting “; and”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(5) State specific information on the demo-
6 graphics and caseload characteristics of Indians
7 served by each State program funded under this
8 part.”.

9 (b) CONFORMING AMENDMENT.—Section
10 411(a) of the Social Security Act (42 U.S.C.
11 611(a)) is amended—

12 (i) by redesignating paragraph (7) as
13 paragraph (8); and

14 (ii) by inserting after paragraph (6),
15 the following:

16 “(7) REPORT ON INDIANS SERVED BY THE
17 STATE PROGRAM.—The report required by para-
18 graph (1) for a fiscal quarter shall include informa-
19 tion on the demographics and caseload characteris-
20 tics of Indians served by the State program during
21 the quarter.”.

22 (b) CONSULTATION BETWEEN STATES AND INDIAN
23 TRIBES OR OTHER INDIANS RESIDING ON A RESERVA-
24 TION.—

(1) STATE PLAN REQUIREMENT.—Section 402(a)(5) of the Social Security Act (42 U.S.C. 602(a)(5)) is amended by striking “will” and all that follows through the period and inserting “will—

“(A) consult with each Indian tribe located within the State regarding the State plan in order to ensure equitable access to benefits or services provided under the plan for any member of such a tribe who is not eligible for assistance under a tribal family assistance plan approved under section 412; and

“(B) provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.”.

(2) TRIBAL FAMILY ASSISTANCE PLAN REQUIREMENT.—Section 412(b)(1) of the Social Security Act (42 U.S.C. 612(b)(1)), as amended by subsection (a)(2), is amended—

(A) in subparagraph (F), by striking “and” at the end;

1 (B) in subparagraph (G), by striking the
 2 period and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(H) provides that the Indian tribe will
 5 consult with each State in which a service area
 6 of the plan is located on the operation of the
 7 plan and the provision of assistance or services
 8 to families under the plan.”.

9 (c) ADVISORY COMMITTEE ON THE STATUS OF INDI-
 10 ANS WHO DO NOT RESIDE IN INDIAN COUNTRY.—

11 (1) IN GENERAL.—The Secretary of Health and
 12 Human Services shall convene an advisory com-
 13 mittee on the status of Indians who do not reside in
 14 Indian country (as defined in section 1151 of title
 15 18, United States Code).

16 (2) DUTIES.—The committee established under
 17 paragraph (1) shall make recommendations regard-
 18 ing how to ensure that Indians who do not reside in
 19 Indian country (as so defined) receive appropriate
 20 assistance under the temporary assistance to needy
 21 families program under part A of title IV of the So-
 22 cial Security Act (42 U.S.C. 601 et seq.) and other
 23 publicly-funded assistance programs.

24 (3) MEMBERSHIP.—

1 (A) IN GENERAL.—The committee estab-
2 lished under paragraph (1) shall include rep-
3 resentatives of—

4 (i) Federal, State, and tribal govern-
5 ments; and

6 (ii) Indians who do not reside in In-
7 dian country (as so defined).

8 (B) MAJORITY.—A majority of the mem-
9 bers of such committee shall be representatives
10 of Indians who do not reside in Indian country
11 (as so defined).

12 (d) GAO STUDY AND REPORT.—

13 (1) STUDY.—The Comptroller General of the
14 United States shall conduct a study of the demo-
15 graphics of Indians who do not reside in Indian
16 country (as defined in section 1151 of title 18,
17 United States Code) that includes economic and
18 health information, as well as information regarding
19 the access of such Indians to benefits or services
20 available under publicly-funded programs.

21 (2) REPORT.—Not later than June 30, 2003,
22 the Comptroller General shall submit to Congress a
23 report on the study conducted under paragraph (1).

1 **SEC. 8. AREAS OF INDIAN COUNTRY OR ALASKAN NATIVE**
2 **VILLAGES OF HIGH JOBLESSNESS.**

3 (a) TIME LIMIT FOR RECEIPT OF ASSISTANCE.—Sec-
4 tion 408(a)(7)(D) of the Social Security Act (42 U.S.C.
5 608(a)(7)(D)) is amended—

6 (1) in the subparagraph heading, by striking
7 “BY ADULT” and all that follows through “UNEM-
8 PLOYMENT” and inserting “IN AREAS OF INDIAN
9 COUNTRY OR AN ALASKAN NATIVE VILLAGE WITH
10 HIGH JOBLESSNESS”; and

11 (2) in clause (i)—

12 (A) by striking “In” and inserting “Sub-
13 ject to clause (ii), in”; and

14 (B) by striking “50 percent” and all that
15 follows through the period and inserting “20
16 percent of the adult recipients who were living
17 in Indian country or in the village were job-
18 less.”;

19 (3) by redesignating clause (ii) as clause (iii);
20 and

21 (4) by inserting after clause (i), the following:

22 “(ii) REQUIREMENT.—A month may
23 only be disregarded under clause (i) with
24 respect to an adult recipient described in
25 that clause if the adult is in compliance
26 with program requirements.”.

1 (b) STATE FLEXIBILITY TO DEFINE WORK ACTIVI-
 2 TIES.—Section 407(c)(2) of the Social Security Act (42
 3 U.S.C. 607(c)(2)) is amended by adding at the end the
 4 following:

5 “(E) OPTIONAL MODIFICATION OF WORK
 6 REQUIREMENTS FOR RECIPIENTS RESIDING IN
 7 AREAS OF INDIAN COUNTRY OR AN ALASKAN
 8 NATIVE VILLAGE WITH HIGH JOBLESSNESS.—
 9 Notwithstanding paragraph (1), if a State has
 10 included in the State plan a description of the
 11 State’s policies in areas of Indian country or an
 12 Alaskan Native village described in section
 13 408(a)(7)(D), the State may define the activi-
 14 ties described in subsection (d) that a recipient
 15 who resides in such an area and who is partici-
 16 pating in activities in accordance with an indi-
 17 vidual responsibility plan under section 408(b)
 18 may engage in for purposes of satisfying work
 19 requirements under the State program and for
 20 purposes of determining monthly participation
 21 rates under subsection (b).”.

22 **SEC. 9. PARITY IN TREATMENT OF ALASKAN NATIVES.**

23 (a) ELIMINATION OF SPECIAL RULE.—Section 412
 24 of the Social Security Act (42 U.S.C. 612) is amended
 25 by striking subsection (i).

1 (b) ELIMINATION OF SPECIAL DEFINITION.—Section
 2 419(4) of the Social Security Act (42 U.S.C. 619(4)) is
 3 amended to read as follows:

4 “(4) INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-
 5 NIZATION.—The terms ‘Indian’, ‘Indian tribe’, and
 6 ‘tribal organization’ have the meaning given such
 7 terms in section 4 of the Indian Self-Determination
 8 and Education Assistance Act (25 U.S.C. 450b).”.

9 **SEC. 10. AUTHORITY OF INDIAN TRIBES TO RECEIVE FED-**
 10 **ERAL FUNDS FOR FOSTER CARE AND ADOP-**
 11 **TION ASSISTANCE.**

12 (a) CHILDREN PLACED IN TRIBAL CUSTODY ELIGI-
 13 BLE FOR FOSTER CARE FUNDING.—Section 472(a)(2) of
 14 the Social Security Act (42 U.S.C. 672(a)(2)) is
 15 amended—

16 (1) by striking “or (B)” and inserting “(B)”;
 17 and

18 (2) by inserting before the semicolon the fol-
 19 lowing: “, or (C) an Indian tribe or tribal organiza-
 20 tion (as defined in section 479B(e)) or an intertribal
 21 consortium if the Indian tribe, tribal organization, or
 22 consortium is not operating a program pursuant to
 23 section 479B and (i) has a cooperative agreement
 24 with a State pursuant to section 479B(c) or (ii) sub-
 25 mits to the Secretary a description of the arrange-

1 ments (jointly developed or developed in consultation
 2 with the State) made by the Indian tribe, tribal or-
 3 ganization, or consortium for the payment of funds
 4 and the provision of the child welfare services and
 5 protections required by this title”.

6 (b) PROGRAMS OPERATED BY INDIAN TRIBAL ORGA-
 7 NIZATIONS.—Part E of title IV of the Social Security Act
 8 (42 U.S.C. 670 et seq.) is amended by adding at the end
 9 the following:

10 **“SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL OR-**
 11 **GANIZATIONS.**

12 “(a) APPLICATION.—Except as provided in sub-
 13 section (b), this part shall apply to an Indian tribe or trib-
 14 al organization that elects to operate a program under this
 15 part in the same manner as this part applies to a State.

16 “(b) MODIFICATION OF PLAN REQUIREMENTS.—

17 “(1) IN GENERAL.—In the case of an Indian
 18 tribe or tribal organization submitting a plan for ap-
 19 proval under section 471, the plan shall—

20 “(A) in lieu of the requirement of section
 21 471(a)(3), identify the service area or areas and
 22 population to be served by the Indian tribe or
 23 tribal organization; and

24 “(B) in lieu of the requirement of section
 25 471(a)(10), provide for the approval of foster

homes pursuant to tribal standards and in a manner that ensures the safety of, and accountability for, children placed in foster care.

“(2) DETERMINATION OF FEDERAL SHARE.—

“(A) PER CAPITA INCOME.—

“(i) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe or tribal organization under paragraphs (1) and (2) of section 474(a), the calculation of an Indian tribe’s or tribal organization’s per capita income shall be based upon the service population of the Indian tribe or tribal organization as defined in its plan in accordance with paragraph (1)(A).

“(ii) CONSIDERATION OF OTHER INFORMATION.—An Indian tribe or tribal organization may submit to the Secretary such information as the Indian tribe or tribal organization considers relevant to the calculation of the per capita income of the Indian tribe or tribal organization, and the Secretary shall consider such information before making the calculation.

1 “(B) ADMINISTRATIVE EXPENDITURES.—

2 The Secretary shall, by regulation, determine
3 the proportions to be paid to Indian tribes and
4 tribal organizations pursuant to section
5 474(a)(3), except that in no case shall an In-
6 dian tribe or tribal organization receive a lesser
7 proportion than the corresponding amount spec-
8 ified for a State in that section.

9 “(C) SOURCES OF NON-FEDERAL
10 SHARE.—An Indian tribe or tribal organization
11 may use Federal or State funds to match pay-
12 ments for which the Indian tribe or tribal orga-
13 nization is eligible under section 474.

14 “(3) MODIFICATION OF OTHER REQUIRE-
15 MENTS.—Upon the request of an Indian tribe, tribal
16 organization, or a consortia of tribes or tribal orga-
17 nizations, the Secretary may modify any requirement
18 under this part if, after consulting with the Indian
19 tribe, tribal organization, or consortia of tribes or
20 tribal organizations, the Secretary determines that
21 modification of the requirement would advance the
22 best interests and the safety of children served by
23 the Indian tribe, tribal organization, or consortia of
24 tribes or tribal organizations.

1 “(4) CONSORTIUM.—The participating Indian
2 tribes or tribal organizations of an intertribal con-
3 sortium may develop and submit a single plan under
4 section 471 that meets the requirements of this sec-
5 tion.

6 “(c) COOPERATIVE AGREEMENTS.—An Indian tribe,
7 tribal organization, or intertribal consortium and a State
8 may enter into a cooperative agreement for the adminis-
9 tration or payment of funds pursuant to this part. In any
10 case where an Indian tribe, tribal organization, or inter-
11 tribal consortium and a State enter into a cooperative
12 agreement that incorporates any of the provisions of this
13 section, those provisions shall be valid and enforceable.
14 Any such cooperative agreement that is in effect as of the
15 date of enactment of this section, shall remain in full force
16 and effect subject to the right of either party to the agree-
17 ment to revoke or modify the agreement pursuant to the
18 terms of the agreement.

19 “(d) REGULATIONS.—Not later than 1 year after the
20 date of enactment of this section, the Secretary shall, in
21 full consultation with Indian tribes and tribal organiza-
22 tions, promulgate regulations to carry out this section.

23 “(e) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGA-
24 NIZATIONS.—In this section, the terms ‘Indian tribe’ and
25 ‘tribal organization’ have the meanings given those terms

1 in subsections (e) and (l) of section 4 of the Indian Self-
 2 Determination and Education Assistance Act (25 U.S.C.
 3 450b), respectively.”.

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section take effect on the date of enactment of this
 6 Act without regard to regulations to implement such
 7 amendments being promulgated by such date.

8 **SEC. 11. AUTHORITY FOR INDIAN TRIBES TO DETERMINE**
 9 **ELIGIBILITY FOR THE FOOD STAMP, MED-**
 10 **ICAID, AND STATE CHILDREN’S HEALTH IN-**
 11 **SURANCE PROGRAMS.**

12 (a) FOOD STAMP PROGRAM.—Section 11 of the Food
 13 Stamp Act of 1977 (7 U.S.C. 2020), as amended by sec-
 14 tion 4116(a) of the Farm Security and Rural Investment
 15 Act of 2002, is amended by adding at the end the fol-
 16 lowing:

17 “(u) AUTHORITY OF INDIAN TRIBES TO CERTIFY
 18 APPLICANT HOUSEHOLDS.—

19 “(1) IN GENERAL.—Notwithstanding any other
 20 provision of this Act, but subject to paragraph (2),
 21 an Indian tribe (as defined in section 4 of the Indian
 22 Self-Determination and Education Assistance Act
 23 (25 U.S.C. 450b)) with an approved tribal family as-
 24 sistance plan under part A of title IV of the Social
 25 Security Act (42 U.S.C. 601 et seq.) (or the partici-

1 pating Indian tribes of an intertribal consortium
2 with such an approved plan) may determine, in ac-
3 cordance with the eligibility criteria of the food
4 stamp program of the State (or States) in which the
5 Indian tribe (or intertribal consortium) is located,
6 the food stamp program eligibility of households
7 within the service population of such plan, without
8 regard to whether the Secretary has determined that
9 a tribal organization of the Indian tribe (or inter-
10 tribal consortium) satisfies the requirements for
11 being a State agency under section 3(n)(2).

12 “(2) RESPONSIBILITY FOR ERRORS.—An Indian
13 tribe (or intertribal consortium) that determines the
14 food stamp program eligibility of households on a
15 reservation of the Indian tribe (or intertribal consor-
16 tium) in accordance with paragraph (1) shall be re-
17 sponsible for any errors in the determination of such
18 eligibility in the same manner as a State agency
19 would be responsible for any such errors, including
20 with respect to any penalties that would be imposed
21 against a State agency for such errors, unless the
22 Indian tribe (or intertribal consortium) and State
23 agency otherwise responsible for making such deter-
24 minations enter into an agreement for the State
25 agency to assume such responsibility.”.

1 (b) MEDICAID PROGRAM.—Section 1902(a)(5) of the
2 Social Security Act (42 U.S.C. 1396a(a)(5)) is amended
3 by inserting “, or by an Indian tribe (as defined in section
4 4 of the Indian Self-Determination and Education Assist-
5 ance Act (25 U.S.C. 450b)) with an approved tribal family
6 assistance plan under part A of title IV (or the partici-
7 pating Indian tribes of an intertribal consortium with such
8 an approved plan) with respect to determinations of eligi-
9 bility of individuals within the service population of such
10 plan, in accordance with the eligibility criteria of the pro-
11 gram under this title of the State (or States) in which
12 the Indian tribe (or intertribal consortium) is located, and
13 subject to such tribe (or intertribal consortium) being re-
14 sponsible for any errors in the determination of such eligi-
15 bility in the same manner as a State agency would be re-
16 sponsible for any such errors, including with respect to
17 any penalties that would be imposed against a State agen-
18 cy for such errors, unless the Indian tribe (or intertribal
19 consortium) and State agency otherwise responsible for
20 making such determinations enter into an agreement for
21 the State agency to assume such responsibility” before the
22 semicolon.

23 (c) SCHIP.—Section 2107 of the Social Security Act
24 (42 U.S.C. 1397gg) is amended by adding at the end the
25 following:

1 “(f) AUTHORITY OF INDIAN TRIBES TO MAKE ELIGI-
2 BILITY DETERMINATIONS.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of this Act, but subject to paragraph (2),
5 an Indian tribe (as defined in section 4 of the Indian
6 Self-Determination and Education Assistance Act
7 (25 U.S.C. 450b)) with an approved tribal family as-
8 sistance plan under part A of title IV (or the partici-
9 pating Indian tribes of an intertribal consortium
10 with such an approved plan) may determine the eli-
11 gibility of children who are within the service popu-
12 lation of such plan for child health assistance under
13 the State program under this title in accordance
14 with the eligibility criteria under such program of
15 the State (or States) in which the Indian tribe (or
16 intertribal consortium) is located.

17 “(2) RESPONSIBILITY FOR ERRORS.—An Indian
18 tribe (or intertribal consortium) that determines the
19 eligibility of children for child health assistance in
20 accordance with paragraph (1) shall be responsible
21 for any errors in the determination of such eligibility
22 in the same manner as a State would be responsible
23 for any such errors, including with respect to any
24 penalties that would be imposed against a State for
25 such errors, unless the Indian tribe (or intertribal

1 consortium) and State agency otherwise responsible
 2 for making such determinations enter into an agree-
 3 ment for the State agency to assume such responsi-
 4 bility.”.

5 **SEC. 12. TRIBAL CHILD SUPPORT ENFORCEMENT PRO-**
 6 **GRAMS.**

7 Not later than 1 year after the date of enactment
 8 of this Act, the Secretary of Health and Human Services
 9 shall promulgate final regulations for making direct pay-
 10 ments to Indian tribes and tribal organizations under sec-
 11 tion 455(f) of the Social Security Act (42 U.S.C. 655(f)).

12 **SEC. 13. RESERVATION OF FUNDS UNDER THE SOCIAL**
 13 **SERVICES BLOCK GRANT.**

14 (a) ELIGIBILITY FOR PAYMENTS.—Section 2002 of
 15 the Social Security Act (42 U.S.C. 1397a) is amended by
 16 adding at the end the following:

17 “(g)(1) An Indian tribe or tribal organization (as
 18 such terms are defined in section 4 of the Indian Self-
 19 Determination and Education Assistance Act (25 U.S.C.
 20 450b)) that administers a social services program shall be
 21 eligible for payment under this title for each fiscal year
 22 in which funds are reserved for such purposes under sec-
 23 tion 2003(d), in an amount equal to the pro rata share
 24 of the amount available for such payments for such fiscal
 25 year.

1 “(2) The Secretary, in consultation with Indian tribes
 2 and tribal organizations (as so defined) located throughout
 3 the United States, shall determine the extent to which the
 4 requirements applicable to payments to States under this
 5 title shall apply to payments made to Indian tribes and
 6 tribal organizations under paragraph (1).”.

7 (b) RESERVATION OF FUNDS.—Section 2003 of the
 8 Social Security Act (42 U.S.C. 1397b) is amended—

9 (1) in subsection (b)(2)—

10 (A) by striking “the total amount” and in-
 11 serting “(A) the total amount”;

12 (B) by striking the period and inserting “;
 13 and”; and

14 (C) by adding at the end the following:

15 “(B) the amount reserved in subsection (d) for
 16 that fiscal year.”; and

17 (2) by adding at the end the following:

18 “(d)(1) For purposes of subsection (b)(2)(B), the
 19 amount reserved in this subsection is, with respect to any
 20 fiscal year in which the amount specified in subsection (c)
 21 exceeds \$2,400,000,000, the amount in excess of such
 22 amount, not to exceed the sum of \$10,000,000, plus the
 23 amount equal to 2 percent of the total amount in excess
 24 of \$2,400,000,000.

1 “(2) The amount reserved under paragraph (1) shall
 2 be used to make payments to Indian tribes and tribal or-
 3 ganizations described in section 2002(g)(1).”.

4 **SEC. 14. RESEARCH ON TRIBAL WELFARE PROGRAMS AND**
 5 **POVERTY AMONG INDIANS.**

6 Section 413 of the Social Security Act (42 U.S.C.
 7 613) is amended by adding at the end the following:

8 “(k) TRIBAL WELFARE PROGRAMS AND EFFORTS TO
 9 REDUCE POVERTY AMONG INDIANS.—

10 “(1) IN GENERAL.—The Secretary, directly or
 11 through grants, contracts, or interagency agree-
 12 ments, shall conduct research on tribal family assist-
 13 ance programs conducted under section 412 and
 14 other tribal welfare programs and on efforts to re-
 15 duce poverty among Indians.

16 “(2) PRIORITY FOR CERTAIN APPLICATIONS.—
 17 With respect to applications for grants under para-
 18 graph (1), the Secretary shall give priority to appli-
 19 cations to conduct research in cooperation with trib-
 20 al governments or tribally controlled colleges or uni-
 21 versities.

22 “(3) APPROPRIATION.—Out of any money in
 23 the Treasury of the United States not otherwise ap-
 24 propriated, there are appropriated \$2,000,000 for

1 fiscal year 2003 for the purpose of carrying out this
2 subsection.”.

3 **SEC. 15. FAITH-BASED INITIATIVE.**

4 (a) ADVISORY COMMITTEE.—The Secretary of
5 Health and Human Services, through the Director of the
6 Center for Faith-Based and Community Initiatives of the
7 Department of Health and Human Services, shall convene
8 an advisory committee of Indians expert in social services
9 and the spiritual aspects of traditional Indian cultures.

10 (b) REPORT.—Not later than 18 months after the
11 date of enactment of this Act, the advisory committee con-
12 vened under subsection (a) shall issue a report that in-
13 cludes best practices with respect to the delivery of social
14 services in relation to the spiritual aspects of traditional
15 Indian cultures for State and tribal administrators of tem-
16 porary assistance to needy families programs under part
17 A of title IV of the Social Security Act (42 U.S.C. 601
18 et seq.).

19 **SEC. 16. EFFECTIVE DATE.**

20 Unless otherwise provided, the amendments made by
21 this Act take effect on October 1, 2002.

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